

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York
By: ANTHONY J. SUN
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2810
Facsimile: (212) 637-2786
E-mail: anthony.sun@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE: : DECLARATION OF
: ANTHONY J. SUN
LETTER ROGATORY FOR :
INTERNATIONAL JUDICIAL : 20-mc-289
ASSISTANCE FROM THE COURT OF :
FIRST INSTANCE NO. 14 :
BARCELONA, SPAIN, IN THE MATTER :
OF CONTENTIOUS DIVORCE :
NO. 824/2019-4 :
-----x

I, Anthony J. Sun, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York, counsel for the United States of America (the "Government"). I make this declaration upon information and belief based upon the attached exhibits and communications with personnel in the United States Department of Justice, to which a letter rogatory has been transmitted for execution. I make this declaration in support of the

Government's request, pursuant to 28 U.S.C. § 1782(a),¹ for an order appointing me as a Commissioner for the purpose of obtaining information from McKinsey & Company, Inc.

2. In connection with a proceeding captioned "In the Matter of Contentious Divorce No. 824/2019-4," and pending in the Court of First Instance No. 14, Barcelona, Spain (the "Spanish Court"), the Spanish Court issued a letter rogatory seeking information from McKinsey & Company, Inc. A true and correct copy of the letter rogatory is attached hereto as Exhibit A. The information redacted in Exhibit A will not be redacted from the version of the letters rogatory that will be served on McKinsey & Company, Inc.

3. An undated draft of a subpoena addressed to McKinsey & Company, Inc., Legal Department, 711 Third Ave., 4th Floor, New York, NY 10017, which the Government intends to serve upon my appointment as Commissioner, is attached hereto as Exhibit B.

¹ Section 1782(a) provides, in pertinent part, as follows:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure.

4. To assist the Spanish Court in obtaining the requested information, I respectfully request that this Court appoint me as Commissioner as proposed in the *ex parte* order attached hereto as Exhibit C. No previous application for the relief sought herein has been made.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

WHEREFORE, the United States respectfully requests that this Court enter the attached Order.

Dated: New York, New York
August 17, 2020

s/ Anthony J. Sun
ANTHONY J. SUN
Assistant United States Attorney